

REMARKS

Claims 1, 2 and 4-11 are pending in the application.

The objection is to claim 7 and 11 as set forth in paragraph 2 of the outstanding office action have now been corrected.

Claim 11 stands rejected under 35 U.S.C. § 102 as anticipated by Bridgelall (5,525,788). Further, claims 1, 2 and 4-6 stand rejected under 35 U.S.C. § 103 as unpatentable over Bridgelall in view of Inagaki (JP3-1285) and Nishimura (5,436,439). Finally, claims 7-10 stand rejected under 35 U.S.C. § 103 as unpatentable over Bridgelall in view of Inagaki and Nishimura, and further in view of Rando (5,869,827).

The Examiner rejections are respectfully traverse.

In the outstanding office action, the Examiner no longer cites the Smith reference for a teaching of continuously adjusting the focus of an optical symbol reading device, but rather utilizes the teaching of the primary reference of Bridgelall to provide such a showing. However, the Bridgelall teaching does not disclose this important aspect of applicant's claim limitations, and thus, the rejections under 35 U.S.C. § 102 and § 103 must be withdrawn.

The primary reference of Bridgelall is directed toward a system for scanning bar codes symbols on moving articles using a camera and scanner. The overall layout of the Bridgelall system is shown in Figure 4. Bridgelall states in column 9, lines 22-34 the following:

“FIG. 4 shows an embodiment of this invention that includes a CCD/CMD camera 618. An article sensor 3100 senses an article at a predetermined location. The CCD/CMD camera/article processor takes a picture of the moving article 3010 and outputs a symbol position signal to the microprocessor 10 reflecting a position of the symbol 50 on the article 3010. Scanner 40 scans the symbol based on the coordinate control signals output by the microprocessor 10. The microprocessor 10 determines whether a decode is valid

based on a decode signal received from the scanner/decoder 40.

A belt speed indicator 3000 outputs a speed of the belt to the microprocessor 10 to allow for tracking the moving article for additional symbol scans."

As may be seen from the above discussion in Bridgelall, Bridgelall utilizes a scanner which has its focus periodically adjusted (fixed) to the optimum focus based on the coordinate control signals output from the CCD/CMD camera. Bridgelall also teaches a rescanning of the symbol if it is invalid and in the rescanning process, the focus is again adjusted to an optimum focus utilizing coordinate control signals output from the CCD/CMD camera. However, these different focusing adjustments are determined periodically depending upon whether the scan is valid or not. The focus is not continuously adjusted as in applicant's recited invention. In accordance with applicant's invention, the focus is continuously adjusted corresponding to the variable distance to the article. No such corresponding teaching is shown in Bridgelall. As such, the primary reference fails to anticipate applicant's invention under 35 U.S.C. § 102. Moreover, the combination of Bridgelall with the secondary references fail to make out a prima facie case of obviousness under the provisions of 35 U.S.C. § 103.

In view of the arguments set forth above, it is submitted that the application is now in condition of allowance and an early indication of same is earnestly solicited.

Respectfully submitted,

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